



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	10-19-10	AGENDA REQUEST NO:	IX-B
INITIATED BY:	KEISHA E. SEALS <i>KES</i> ENGINEER III	RESPONSIBLE DEPARTMENT:	ENGINEERING
PRESENTED BY:	KEISHA E. SEALS ENGINEER III	DEPARTMENT HEAD:	CHRISTOPHER STEUBING, P.E., CFM, CITY ENGINEER <i>CLS</i>
	CLAYTON TAYLOR REAL PROPERTY SERVICES MANAGER	ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	DULLES AVENUE RIGHT-OF-WAY ACQUISITION CIP ST0801 APPROVE RESOLUTION NO. 10-49 AUTHORIZING EMINENT DOMAIN PROCEEDING		
EXHIBITS:	RESOLUTION NO. 10-49 APPRAISALS, EXHIBITS		
CLEARANCES		APPROVAL	
LEGAL:	EUGENIA CANO ASSISTANT CITY ATTORNEY <i>EAC</i>	EXECUTIVE DIRECTOR:	N/A
PURCHASING:	TODD REED, PURCHASING MANAGER <i>P</i>	ASST. CITY MANAGER:	KAREN DALY <i>kd</i>
BUDGET:	JENNIFER BROWN, <i>JB</i> BUDGET & RESEARCH DIRECTOR	CITY MANAGER:	ALLEN BOGARD <i>kd</i> FOR AB
BUDGET			
EXPENDITURE REQUIRED: \$		261,664.00	
AMOUNT BUDGETED/REALLOCATION: \$		15,000,000 CONSTRUCTION	
ADDITIONAL APPROPRIATION: \$		N/A	
RECOMMENDED ACTION			
Approve Resolution No. 10-49 authorizing eminent domain proceedings for right-of-way acquisition on CIP Project ST0801, Dulles Avenue Improvements.			

EXECUTIVE SUMMARY

The Dulles Avenue Improvements Project is nearing 90% completion on design work. City staff have been working on Right-of-Way (ROW) and easement acquisition for this project throughout the past nine months. The proposed improvements at the intersections of Dulles Avenue with State Highway 6, Cartwright, Lexington and Avenue E include additional turning lanes that will alleviate congestion and improve the level of service. The ROW at SH 6 will also accommodate the relocation of a water line that must be moved from underneath the proposed paving improvements. To facilitate these improvements, four areas of ROW have been identified.

Currently the ROW is owned by FB Real Property LLC, Prominent Sugar Land LLC, PMR Investments Inc. and Lightning Ridge LC. The legal descriptions and appraisals are provided in the attached Exhibits.

The City's Engineering staff approached each owner with an initial contact letter package requesting dedication of ROW. The package includes the proposed ROW metes and bounds description with survey exhibit, The Texas Land Owners Bill of Rights as prepared by the Texas Attorney General's Office under Government Code Sec. 402 which is required as part of any real property transaction by the City and any release of liens that would apply to the property. Staff followed up by calling each owner to discuss the liens and proposed dedications. It was determined through a series of phone conversations with each owner that they (the owners) wanted compensation and there was no interest in dedicating ROW. Staff has recommended proceeding with eminent domain to condemn the property and the liens in the interest of the public and subsequent project schedule. The proceeding will provide the property owners fair market value as they have requested and condemn the liens saving valuable time, as a release of lien could sit indefinitely with a lien holder who has no stake in the project or project schedule.

The entire process is expected to take between two to three months given the eminent domain processes that are required. Since this is a mutually agreeable eminent domain action, the hearing could take place in City Hall and it is expected that this hearing will be short. When the Commissioners award the ROW to the City at this hearing, the City's attorney will file the award with the court and the City can then take possession of the ROW. The City will deposit the consideration money into the registry of the court at that time. After expiration of twenty days, if not appealed, a final judgment will be signed and filed in the deed records. That will be the official title document showing the City's right to the ROW.

Funding for the acquisition price of these ROW parcels, legal fees and expert witnesses of not more than \$261,664.00 would be paid from the construction funds budgeted under CIP ST0801. The Engineering Department requests the City Council's approval of the Resolution authorizing the eminent domain proceedings.

EXHIBITS

RESOLUTION NO. 10-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE TO A 0.0044 ACRE TRACT OF LAND, A 0.0538 ACRE TRACT OF LAND, A 0.1228 ACRE TRACT OF LAND, AND A 0.1151 ACRE TRACT OF LAND, ALL SITUATED IN THE WILLIAM STAFFORD ONE AND HALF LEAGUE, ABSTRACT NO. 89, IN THE CITY OF SUGAR LAND, FORT BEND COUNTY, TEXAS, FOR THE DULLES AVENUE UPGRADE PROJECT.

WHEREAS, the City has begun the Dulles Avenue Upgrade Project that includes intersection improvements, a 4-lane divided curb and gutter roadway with raised median and auxiliary lanes, and associated drainage improvements (Project); and

WHEREAS, the City Council has determined that it is necessary to acquire fee simple title to four parcels of land for the Project--a 0.0044 acre tract, a 0.0538 acre tract, a 0.1228 acre tract and a 0.1151 acre tract--situated in the William Stafford, One and One Half League, Abstract No. 89, in Sugar Land, Fort Bend County, Texas; and

WHEREAS, independent professional appraisal reports of the four parcels of land have been submitted to the City, which have been or will be provided to each property owner;
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That the public necessity requires the acquisition of fee simple title to the following tracts of land in connection with the Dulles Avenue Upgrade Project:

- (1) A 0.0044 acre tract of land situated in the William Stafford, One and One Half, League, Abstract No. 89 in Sugar Land, Fort Bend County, Texas, being more particularly described by metes and bounds and shown in the attached Exhibit A, which is incorporated by reference;
- (2) A 0.0538 acre tract of land situated in the William Stafford, One and One Half, League, Abstract No. 89 in Sugar Land, Fort Bend County, Texas, being more particularly described by metes and bounds and shown in the attached Exhibit B, which is incorporated by reference;
- (3) A 0.1228 acre tract of land situated in the William Stafford, One and One Half, League, Abstract No. 89 in Sugar Land, Fort Bend County, Texas, being more particularly described by metes and bounds and shown in the attached Exhibit C, which is incorporated by reference; and
- (4) A 0.1151 acre tract of land situated in the William Stafford, One and One Half, League, Abstract No. 89 in Sugar Land, Fort Bend County, Texas, being more particularly described by metes and bounds and shown in the attached Exhibit D, which is incorporated by reference.

Section 2. That the City's attorney is authorized and directed to acquire, by purchase or condemnation, fee simple title to each property free and clear of any liens.

PASSED AND APPROVED on _____, 2010.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

Eugenia A. Cano

EXHIBIT "A"

**RIGHT OF WAY ACQUISITION
OWNER: LIGHTNING RIDGE, L.C.
CITY OF SUGAR LAND
FORT BEND COUNTY, TEXAS
PARCEL No. 6**

PROPERTY DESCRIPTION

Being a 0.0044 acre tract of land situated in the William Stafford, One and One Half League, Abstract No. 89 in the City of Sugar Land, Fort Bend County, Texas, and being a portion of an 6.1402 acre tract of land (by deed), recorded in Fort Bend County Clerk's File Number 9735005, of the Deed Records of Fort Bend County Texas, said 6.1402 acre tract of land being the residue of a 10.00 acre tract of land (by deed), recorded in Volume 1816, Page 631, of the Deed Records of Fort Bend County Texas, said 0.0044 acre tract of land being more particularly described by metes and bounds as follows;

COMMENCING at an "X" cut in concrete found for the northwest corner of said 6.1402 acre tract of land, said point also being in the south right-of-way of Lexington Boulevard (100' right-of-way width), and also being in a curve to the left, said curve having a radius of 2050.00 feet, a central angle of 03 degrees 10 minutes 04 seconds, with a chord direction of South 83 degrees 17 minutes 16 seconds East, and a chord distance of 113.33 feet; **THENCE** with said curve to the left, same being the south right-of-way of said Lexington Boulevard, and the north line of said 6.1402 tract, an arc distance of 113.34 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX." set for the **POINT OF BEGINNING**, said point also being in the south right-of-way of said Lexington Boulevard, and the north line of said 6.1402 acre tract, and in a curve to the left, said curve having a radius of 2050.00 feet, a central angle of 01 degrees 47 minutes 45 seconds, with a chord direction of South 85 degrees 46 minutes 11 seconds East, and a chord distance of 64.25 feet;

THENCE with said curve to the left, same being the south right-of-way of said Lexington Boulevard, the north line of said 6.1402 acre tract, an arc distance of 64.25 feet, to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set marking the end of said curve, said point also being in the south right-of-way of said Lexington Boulevard, and also being the northeast corner of said 6.1402 acre tract, and the northwest corner of an 0.883 acre tract of land (by deed), recorded in Fort Bend County Clerk's File Number 2002016890, of the Deed Records of Fort Bend County Texas, said 0.883 acre tract of land being the residue of said 10.00 acre tract of land;

THENCE South 02 degrees 24 minutes 40 seconds East, with the east line of said 6.1402 acre tract of land, and the west line of said 0.883 acre tract of land, a distance of 6.35 to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX." set for corner, said point being in the east line of said 6.1402 acre tract, and the west line of said 0.883 acre tract;

THENCE North 80 degrees 13 minutes 36 seconds West, a distance of 65.29 feet to the **POINT OF BEGINNING**, and containing 191 square feet of 0.0044 acres of land;

This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, South Central Zone, NAD83.

I, Michael D. McGuinness, a Registered Professional Land Surveyor, do hereby certify that the above description and accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by survey made on the ground under my direction and supervision.


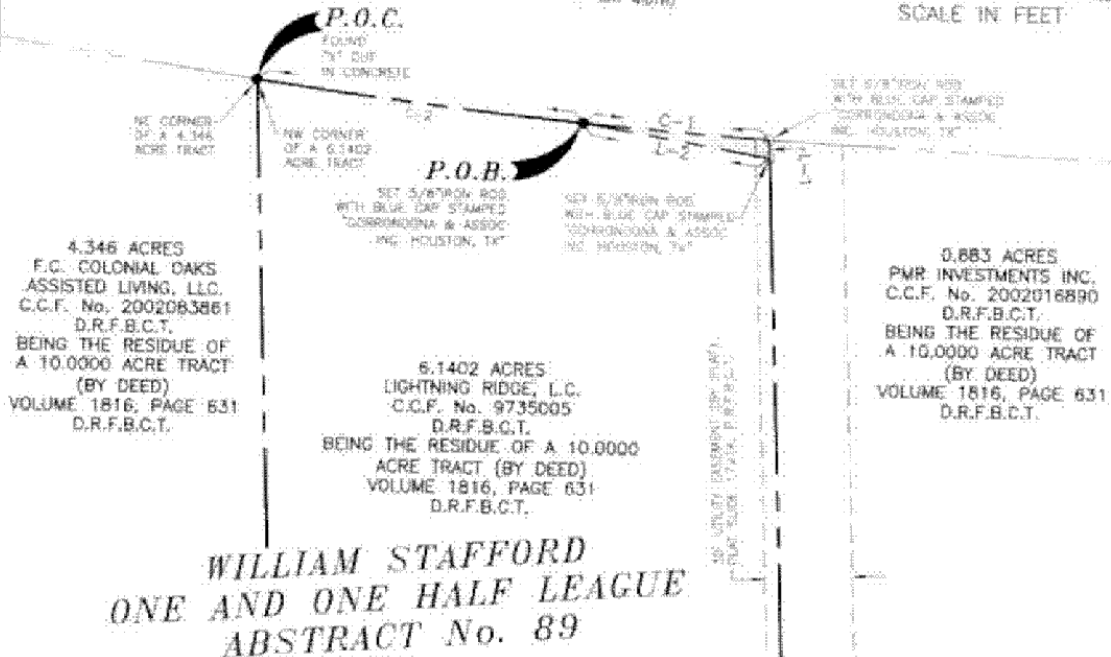

Michael D. McGuinness
Registered Professional Land Surveyor
Texas No. 1965



EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	S 02°24'40"E	6.35'
L-2	N 80°13'36"W	65.29'

LEXINGTON BOULEVARD
(100 RIGHT-OF-WAY WIDTH)



CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C-1	2050.00'	01°47'45"	64.25'	64.25'	S 85°46'11"E
C-2	2050.00'	03°10'04"	113.34'	113.33'	S 83°17'16"E

- NOTES:
- 1) BASIS OF BEARINGS IS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83.
 - 2) THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

**FOODMAKER
SUBDIVISION #3904**
PLAT SLIDE 1721A
P.R.F.B.C.T.
BEING THE RESIDUE OF A
10.0000 ACRE TRACT (BY DEED)
VOLUME 1816, PAGE 631
D.R.F.B.C.T.



CITY OF SUGAR LAND, TEXAS

7700 TOWN CENTER BLVD. • SUGAR LAND, TEXAS • 77479

DULLES AVENUE RIGHT OF WAY ACQUISITION

PARCEL NO. 6
OWNER: LIGHTNING RIDGE, LLC.
SURVEY: WILLIAM STAFFORD ONE AND ONE HALF LEAGUE, ABSTRACT 89
LOCATION: CITY OF SUGAR LAND, FORT BEND COUNTY, TEXAS
ROW ACQUISITION ACREAGE: 191 SQUARE FEET OR 0.0044 ACRES
WHOLE PROPERTY ACREAGE: 6.1402 ACRES (BY DEED)

JOB NO. 0812-3446
DATE: JAN. 25, 2010
DRAWN BY: TEC
CHK BY: MDM
PAGE 3 of 3
CADD FILE: 0812-3446, PARCEL 6
SCALE: 1" = 50'



MICHAEL D. MCGUINNESS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 1965

GORRONGONA & ASSOCIATES, INC. • 110 OYSTER STATION DR., SUITE 187, HOUSTON, TX 77060 • 281-419-2453 FAX 281-419-2506

EXHIBIT B

EXHIBIT "A"

RIGHT OF WAY ACQUISITION
OWNER: PMR INVESTMENTS, INC.
CITY OF SUGAR LAND
FORT BEND COUNTY, TEXAS
PARCEL No. 5

PROPERTY DESCRIPTION

Being a 0.0538 acre tract of land situated in the William Stafford, One and One Half League, Abstract No. 89 in the City of Sugar Land, Fort Bend County, Texas, and being a portion of an 0.883 acre tract of land (by deed), recorded in Fort Bend County Clerk's File Number 2002016890, of the Deed Records of Fort Bend County Texas, said 0.883 acre tract of land being the residue of a 10.00 acre tract of land (by deed), recorded in Volume 1816, Page 631, of the Deed Records of Fort Bend County Texas, said 0.0538 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at an "X" cut in concrete found for the northwest corner of an 6.1402 acre tract of land (by deed), recorded in Fort Bend County Clerk's File Number 9735005, of the Deed Records of Fort Bend County Texas, said 6.1402 acre tract being the residue of said 10.00 acre tract of land, said point also being in the south right-of-way of Lexington Boulevard (100' right-of-way width), and also being in a curve to the left, said curve having a radius of 2050.00 feet, a central angle of 04 degrees 57 minutes 49 seconds, with a chord direction of South 84 degrees 10 minutes 07 seconds East, and a chord distance of 177.55 feet; **THENCE** with said curve to the left, the south right-of-way of said Lexington Boulevard, and the north line of said 6.1402 tract, an arc distance of 177.60 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX." set for the **POINT OF BEGINNING**, said point also being the northeast corner of said 6.1402 acre tract of land, the northwest corner of said 0.883 acre tract of land, and being in a curve to the left, said curve having a radius of 2050.00 feet, a central angle of 00 degrees 40 minutes 48 seconds, with a chord direction of South 87 degrees 00 minutes 27 seconds East, and a chord distance of 24.33 feet;

THENCE with said curve to the left, the south right-of-way of said Lexington Boulevard, and the north line of said 0.883 acre tract of land, an arc distance of 24.33 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX." set marking the end of said curve, said point also being in the south right-of-way of said Lexington Boulevard, and the north line of said 0.883 acre tract of land;

THENCE South 87 degrees 20 minutes 52 seconds East, with the south right-of-way of said Lexington Boulevard, same being the north line of said 0.883 acre tract of land, a distance of 163.62 to a 5/8 inch iron rod found marking the beginning of a curve to the right, said curve having a radius of 25.00 feet, a central angle of 84 degrees 56 minutes 22 seconds, with a chord direction of South 44 degrees 52 minutes 46 seconds East, and a chord distance of 33.76 feet;

THENCE with said curve to the right, the south right-of-way of said Lexington Boulevard, an arc distance of 37.06 feet, to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX." set marking the end of said curve, said point also being in the east right-of-way of Dulles Avenue (100' right-of-way width), and the east line of said 0.883 acre tract of land, and the east line of this tract;

THENCE South 02 degrees 24 minutes 40 seconds East, with the east right-of-way of said Dulles Avenue, the east line of said 0.883 acre tract of land, a distance of 9.48 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX." set for corner, said point also being in the east right-of-way of Said Dulles Avenue, and the east line of said 0.883 acre tract of land;

THENCE North 56 degrees 12 minutes 31 seconds West, a distance of 43.00 feet to a 5/8 iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX." set for corner;

THENCE North 87 degrees 20 minutes 52 seconds West, a distance of 152.56 feet to a 5/8 iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX." set for corner;

THENCE North 78 degrees 13 minutes 06 seconds West, a distance of 24.08 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX." set for corner;

THENCE North 02 degrees 24 minutes 40 seconds West, a distance of 6.35 feet to the **POINT OF BEGINNING**, and containing 2,343 square feet of 0.0538 acres of land;

This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, South Central Zone, NAD83.

I, Michael D. McGuinness, a Registered Professional Land Surveyor, do hereby certify that the above description and accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by survey made on the ground under my direction and supervision.

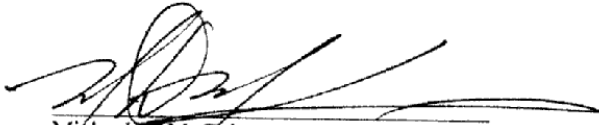
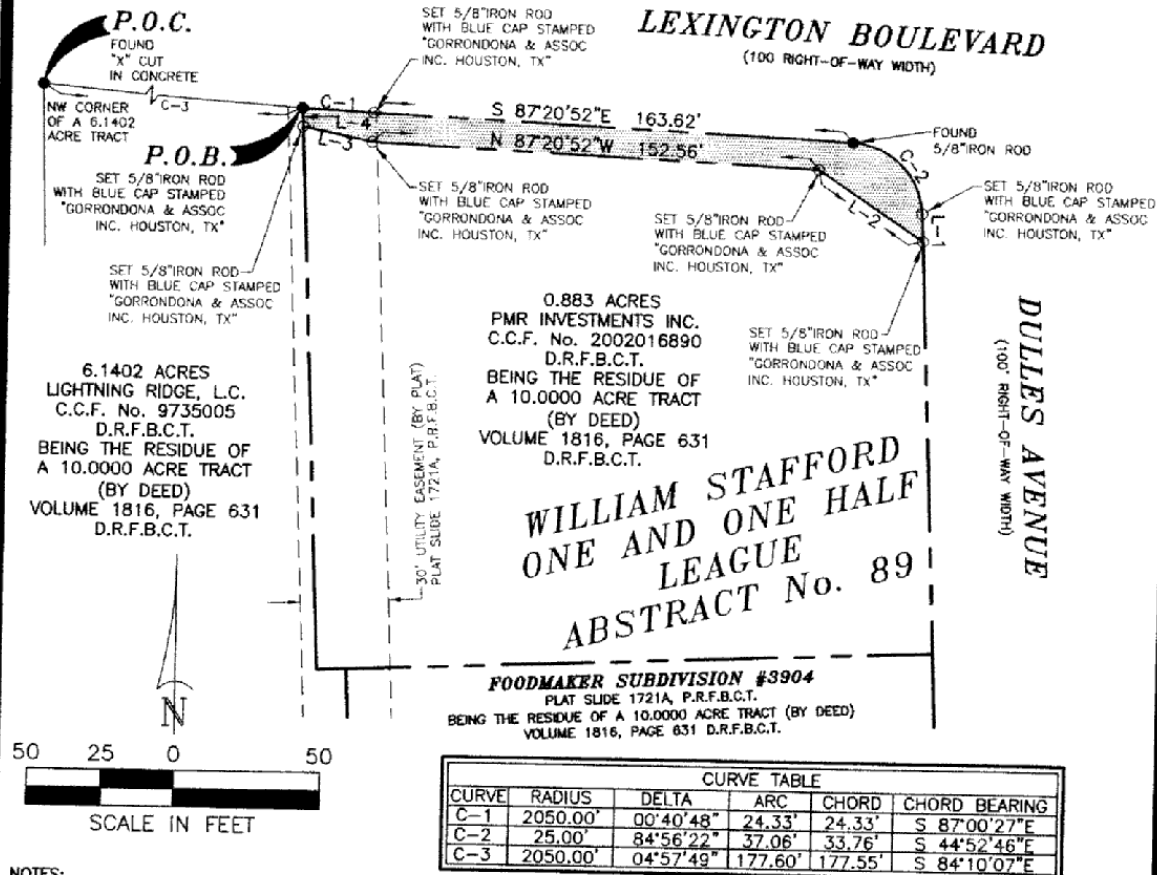

Michael D. McGuinness
Registered Professional Land Surveyor
Texas No. 1965



EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	S 02°24'40"E	9.48'
L-2	N 56°12'31"W	43.00'
L-3	N 78°13'06"W	24.08'
L-4	N 02°24'40"W	6.35'



CITY OF SUGAR LAND, TEXAS

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DULLES AVENUE RIGHT OF WAY ACQUISITION

PARCEL NO. 5
 OWNER: PMR INVESTMENTS, INC.
 SURVEY: WILLIAM STAFFORD ONE AND ONE HALF LEAGUE, ABSTRACT 89
 LOCATION: CITY OF SUGAR LAND, FORT BEND COUNTY, TEXAS
 ROW ACQUISITION ACREAGE: 2,343 SQUARE FEET OR 0.0538 ACRES
 WHOLE PROPERTY ACREAGE: 0.883 ACRES (BY DEED)

JOB NO. 0812-3446
 DATE: JAN. 25, 2010
 DRAWN BY: TEC
 CK BY: MDW
 CAD FILE: 0812-3446_PARCEL 5
 PAGE 4 of 4
 SCALE: 1" = 50'

GORRONDONA & ASSOCIATES, INC. • 110 CYPRESS STATION DR., SUITE 157 HOUSTON, TX. 77090 • 281-419-2433 FAX 281-419-2506



MICHAEL D. MCGUINNESS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 1865

EXHIBIT C

EXHIBIT "A"

**RIGHT OF WAY ACQUISITION
OWNER: PROMINENT SUGAR LAND, LLC.
SUBDIVISION OF REPLAT OF COLONY CENTER
CITY OF SUGAR LAND
FORT BEND COUNTY, TEXAS
PARCEL No. 3**

PROPERTY DESCRIPTION

Being a 0.1228 acre tract of land situated in the William Stafford, One and One Half League, Abstract No. 89 in the City of Sugar Land, Fort Bend County, Texas, and being a portion of a tract of land known as "Lot D, Colony Center", 7.6640 acres (by deed), recorded in Fort Bend County Clerk's File Number 2005126530, of the Deed Records of Fort Bend County, Texas, said 7.6640 acre tract of land being the residue of an 10.1549 acre tract (by plat), recorded in Plat Slide 1603A, of the Plat Records of Fort Bend County Texas, said 0.1228 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the most northeasterly corner of said Lot "D", Colony Center, said point also being the most southeasterly corner of Reserve "E", Magnolia Plantation, Section One, (by partial final replat), recorded in Plat Slide 1293B, of the Plat Records of Fort Bend County Texas, said point also being in the northwesterly right-of-way of Dulles Avenue (a variable width right-of-way), said point also being in a non-tangent curve to the right having a radius of 2135.73 feet, a central angle of 01 degrees 01 minutes 24 seconds whose chord bears South 31 degrees 37 minutes 11 seconds West, a distance of 38.14 feet; **THENCE** with the easterly line of said Lot "D", the northwesterly right-of-way of Dulles Avenue, and with said non-tangent curve to the right, an arc length of 38.14 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for the **POINT OF BEGINNING**, said point also being in the northwesterly right-of-way of said Dulles Avenue;

THENCE with the easterly line of said Lot "D", the northwesterly right-of-way of said Dulles Avenue, and with a non-tangent curve to the right an arc length of 95.61 feet, said curve having a radius of 2135.73 feet, a central angle of 02 degrees 33 minutes 54 seconds, with a chord bearing of South 33 degrees 24 minutes 49 seconds West, and a chord distance of 95.60 feet to an "ell" corner of this tract, and a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;

THENCE North 53 degrees 25 minutes 35 seconds West, with the northwesterly right-of-way of said Dulles Avenue, a distance of 4.80 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;

THENCE South 36 degrees 34 minutes 25 seconds West, with the northwesterly right-of-way of said Dulles Avenue, a distance of 141.55 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;

- THENCE** North 53 degrees 25 minutes 22 seconds West, with a southerly line of said Lot "D", the northeasterly line of a 1.002 acre tract of land (by deed), known as "The Plantation At First Colony, Exxon Commercial Reserve, recorded in Fort Bend County Clerk's File Number 2007119754, of the Deed Records of Fort Bend County Texas, in all a distance of 20.00 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;
- THENCE** North 36 degrees 34 minutes 25 seconds East, a distance of 69.56 feet to a 5/8 iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set marking the beginning of a non-tangent curve to the left, said curve having a radius of 2151.27 feet, a central angle of 04 degrees 27 minutes 51 seconds, with a chord bearing of North 34 degrees 20 minutes 30 seconds East, and a chord distance of 167.57 feet;
- THENCE** with said curve to the left an arc distance of 167.61 feet to a 5/8 iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;
- THENCE** South 53 degrees 25 minutes 22 seconds East, a distance of 26.06 feet to the **POINT OF BEGINNING**, and containing 5,347 square feet or 0.1228 acres of land;

This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, South Central Zone, NAD83.

I, Michael D. McGuinness, a Registered Professional Land Surveyor, do hereby certify that the above description and accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by survey made on the ground under my direction and supervision.


Michael D. McGuinness
Registered Professional Land Surveyor
Texas No. 1965



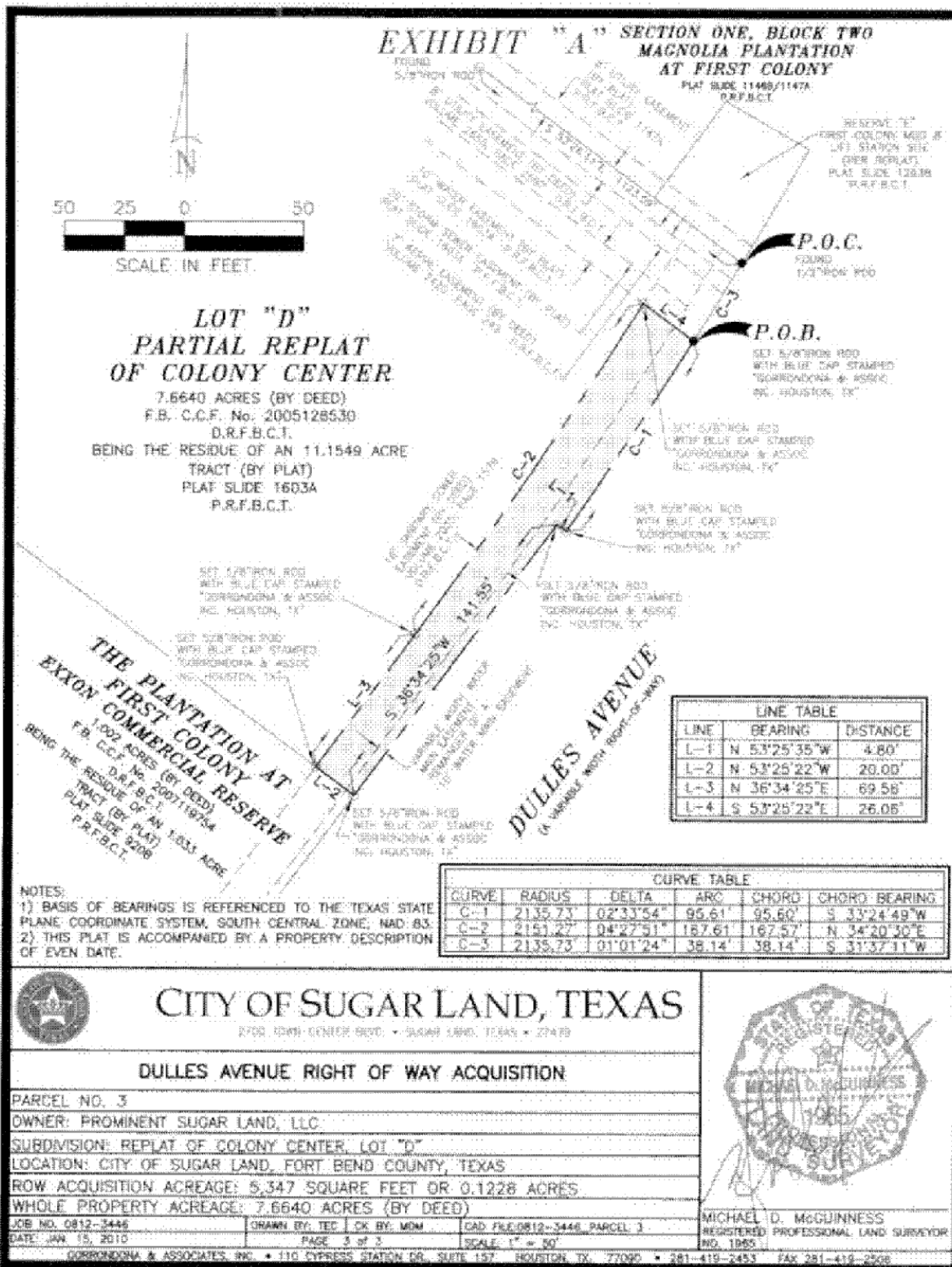


EXHIBIT D

EXHIBIT "A"

**RIGHT OF WAY ACQUISITION
OWNER: FB REAL PROPERTY, LLC.
SUBDIVISION OF THE PLANTATION AT FIRST COLONY,
EXXON COMMERCIAL RESERVE
CITY OF SUGAR LAND
FORT BEND COUNTY, TEXAS
PARCEL No. 2**

PROPERTY DESCRIPTION

Being a 0.1151 acre tract of land situated in the William Stafford, One and One Half League, Abstract No. 89 in the City of Sugar Land, Fort Bend County, Texas, and being a portion of a tract of land known as "The Plantation at First Colony, Exxon Commercial Reserve", 1.002 acres (by deed), recorded in Fort Bend County Clerks File Number 2007119754, of the Deed Records of Fort Bend County, Texas, said 1.002 acre tract being the residue of an 1.033 acre tract of land (by plat), recorded in Plat Slide 920 B, of the Plat Records of Fort Bend County Texas, said 0.1151 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the most northerly corner of said 1.002 acre tract of land, same being an "ell" corner of a tract of land known as "Lot D, a Re-Plat of Colony Center", 7.664 acres (by deed), recorded in Fort Bend County Clerks File Number 2005126530, of the Deed Records of Fort Bend County, Texas, said 7.664 acre tract of land being the residue of an 11.1549 acre tract of land (by plat), recorded in Plat Slide 1603 A, of the Plat Records of Fort Bend County Texas; **THENCE** South 36 degrees 34 minutes 38 seconds East, with the north westerly line of said 1.002 acre tract of land, the most southeasterly interior line of said Lot "D", in all a distance of 225.00 feet to a point for the most westerly corner of said 1.002 acre tract of land, said point also being in the northwesterly right-of-way of S.H. 6, (180 foot right-of-way width), and also being the most southeasterly corner of said Lot "D", from which a 5/8 inch iron found with cap stamped "CLARK-GEOGRAM" bears South 60 degrees 37 minutes 32 seconds East, a distance of 0.32 feet; **THENCE** South 53 degrees 25 minutes 22 seconds East, with the north westerly right-of-way of said S.H. 6, the southwesterly line of said 1.002 acre tract of land, in all a distance of 155.00 feet, to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for the **POINT OF BEGINNING**, said point also being in the north westerly right-of-way of said S.H. 6;

THENCE North 72 degrees 44 minutes 21 seconds East, a distance of 32.20 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;

THENCE North 36 degrees 34 minutes 25 seconds East, a distance of 199.00 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;

THENCE South 53 degrees 25 minutes 23 seconds East, with the most northerly line of said 1.002 acre tract of land, the northern southerly line of said Lot "D", a distance of

20.00 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;

THENCE South 36 degrees 34 minutes 25 seconds West, with the westerly right-of-way of said Dulles Avenue, a distance of 221.00 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;

THENCE South 81 degrees 35 minutes 15 seconds West, with the westerly right-of-way of said Dulles Avenue, a distance of 5.66 feet to a 5/8 inch iron rod with blue cap stamped "GORRONDONA & ASSOC INC. HOUSTON, TX" set for corner;

THENCE North 53 degrees 25 minutes 22 seconds West, with the north westerly right-of-way of said S. H. 6, a distance of 35.00 feet to the **POINT OF BEGINNING**, and containing 5,013 square feet or 0.1151 acres of land;

This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, South Central Zone, NAD83.

I, Michael D. McGuinness, a Registered Professional Land Surveyor, do hereby certify that the above description and accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by survey made on the ground under my direction and supervision.



Michael D. McGuinness
Registered Professional Land Surveyor
Texas No. 1965



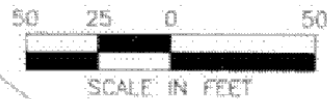
EXHIBIT "A"

REPLAT OF LOT "D"
7.6840 ACRES (BY DEED)
F.B. C.C.F. No. 2005128530
D.R.F.B.C.T.
BEING THE RESIDUE OF AN 11.1549 ACRE
TRACT (BY PLAT)
PLAT SLIDE 1803A
P.R.F.B.C.T.

THE PLANTATION AT FIRST COLONY EXXON COMMERCIAL RESERVE

1.002 ACRES (BY DEED)
F.B. C.C.F. No. 2007118754
D.R.F.B.C.T.

BEING THE RESIDUE OF AN 1.033 ACRE
TRACT (BY PLAT)
PLAT SLIDE 920B
P.R.F.B.C.T.



FOUND
 5/8" IRON ROD WITH CAP
 "CLARK, GEORGE"

SH 6
 (160' RIGHT-OF-WAY WIDTH)

P.O.B.

SET 5/8" IRON ROD
 WITH BLUE CAP STAMPED
 "BORRONDONA & ASSOC
 INC., HOUSTON, TX"

SET 5/8" IRON ROD
 WITH BLUE CAP STAMPED
 "BORRONDONA & ASSOC
 INC., HOUSTON, TX"

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 WITH BLUE CAP STAMPED
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 INC., HOUSTON, TX"

SET 5/8" IRON ROD
 WITH BLUE CAP STAMPED
 "BORRONDONA & ASSOC
 INC., HOUSTON, TX"

NOTES:
 1) BASIS OF BEARINGS IS
 REFERENCED TO THE TEXAS STATE
 PLANE COORDINATE SYSTEM,
 SOUTH CENTRAL ZONE, NAD 83.
 2) THIS PLAT IS ACCOMPANIED BY
 A PROPERTY DESCRIPTION OF
 EVEN DATE.

LINE	BEARING	DISTANCE
L-1	N 72°44'21"E	32.20'
L-2	S 53°25'23"E	20.00'
L-3	S 81°35'15"W	5.66'
L-4	N 53°25'22"W	35.00'

DULLES AVENUE
 (A 60' RIGHT-OF-WAY)



CITY OF SUGAR LAND, TEXAS

2100 TOWN CENTER BLVD. • SUGAR LAND, TEXAS • 77478

DULLES AVENUE RIGHT OF WAY ACQUISITION

PARCEL NO. 2
OWNER: FB REAL PROPERTY, LLC.
SUBDIVISION: THE PLANTATION AT FIRST COLONY EXXON COMMERCIAL RESERVE
LOCATION: CITY OF SUGAR LAND, FORT BEND COUNTY, TEXAS
ROW ACQUISITION ACREAGE: 5013 SQUARE FEET OR 0.1151 ACRES
WHOLE PROPERTY ACREAGE: 1.0019 ACRES (CALCULATED)

JOB NO. 0812-3448 **DRAWN BY: TEG** **CHK BY: MDM** **CAD FILE: 0812-3448_PARCEL 2**
DATE: JAN. 14, 2010 **PAGE: 3 of 3** **SCALE: 1" = 50'**

BORRONDONA & ASSOCIATES, INC. • 110 CYPRESS STATION DR., SUITE 157, HOUSTON, TX 77060 • 281-419-2453 FAX 281-419-2456



MICHAEL D. MCGUINNESS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 1965

Appraisal Summary Exhibit

GRANTOR: FB Real Property, L.L.C., a Texas limited liability company

VALUE OF ACQUISITION PARCEL:

\$109,640.00

LIENS: 1

GRANTOR: Prominent Sugar Land, LLC, a Delaware limited liability company

VALUE OF ACQUISITION PARCEL:

\$ 85,453.00

LIENS: 1

GRANTOR: PMR Investments, Inc., a Texas corporation d/b/a First Colony Chevron

VALUE OF ACQUISITION PARCEL:

\$ 39,734.00

LIENS: 3

GRANTOR: Lightning Ridge, L. C., a Texas limited liability company

VALUE OF ACQUISITION PARCEL:

\$ 1,837.00

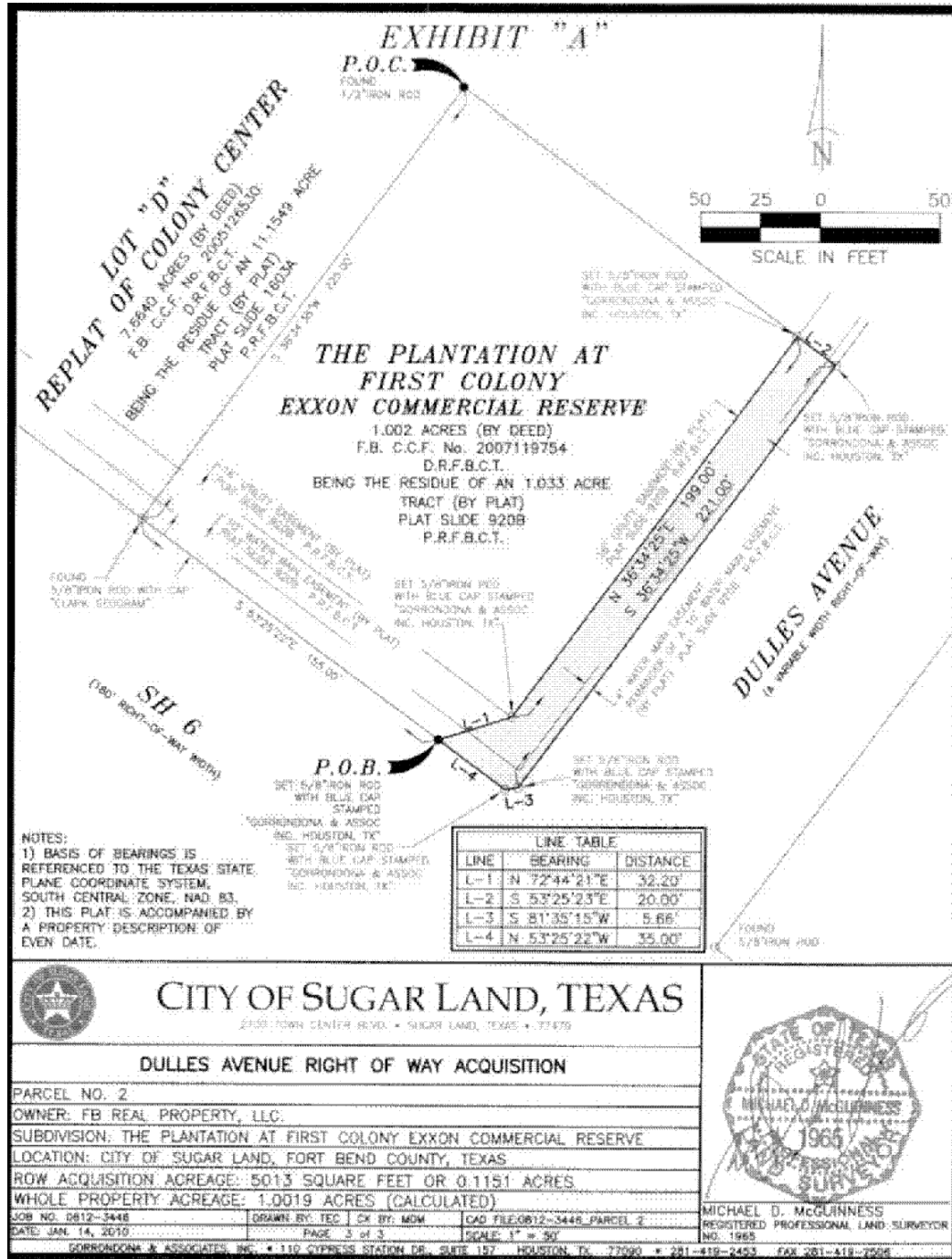
LIENS: 2

TOTAL: \$236,664.00

GRANTOR: FB Real Property, L.L.C., a Texas limited liability company
GRANTOR'S MAILING ADDRESS: 7 Regent Court
 Sugar Land, Texas 77478

VALUE OF ACQUISITION PARCEL: \$109,640

- Land: 5013 sf x \$20.00 /sf: \$100,260.00
- Concrete: 720 sf x \$5.00 /sf less 20% depreciation: \$ 2,880.00
- Landscaping/Irrigation: \$ 6,500.00

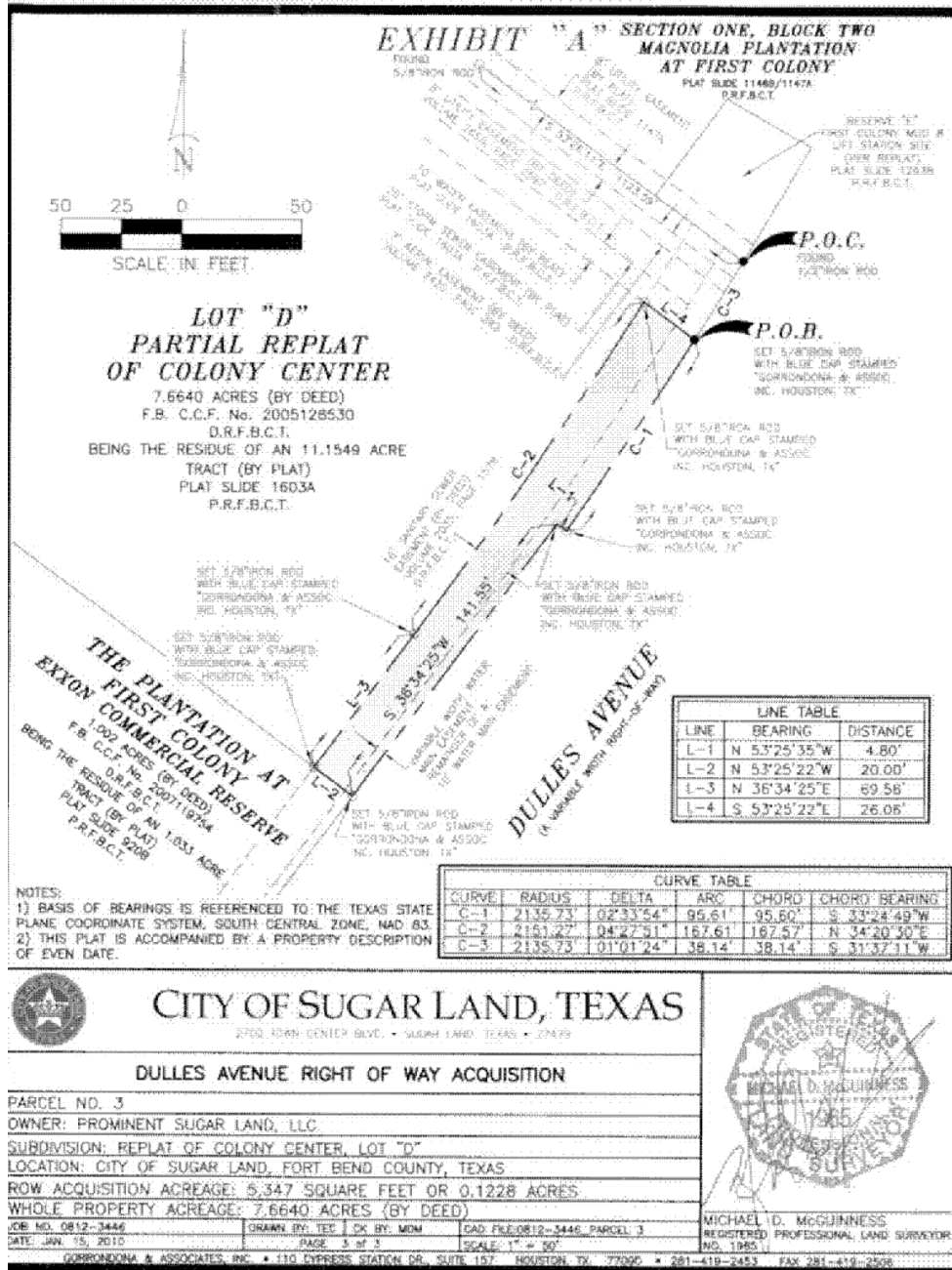


GRANTOR: Prominent Sugar Land, LLC, a Delaware limited liability company

GRANTOR'S MAILING ADDRESS: 79 Daily Drive, Suite 272
Camarillo, California 93010-5810
Ventura County

VALUE OF ACQUISITION PARCEL: \$85,453

- Land: 5347 sf x \$14.00 /sf: \$74,858.00
- Concrete: 1,092 sf x \$5.00 /sf less 25% depreciation: \$ 4,095.00
- Light Standards: 2 Units x \$1,500 /ea. less 15% depreciation \$ 2,550.00
- Landscaping/Irrigation: \$ 3,500.00

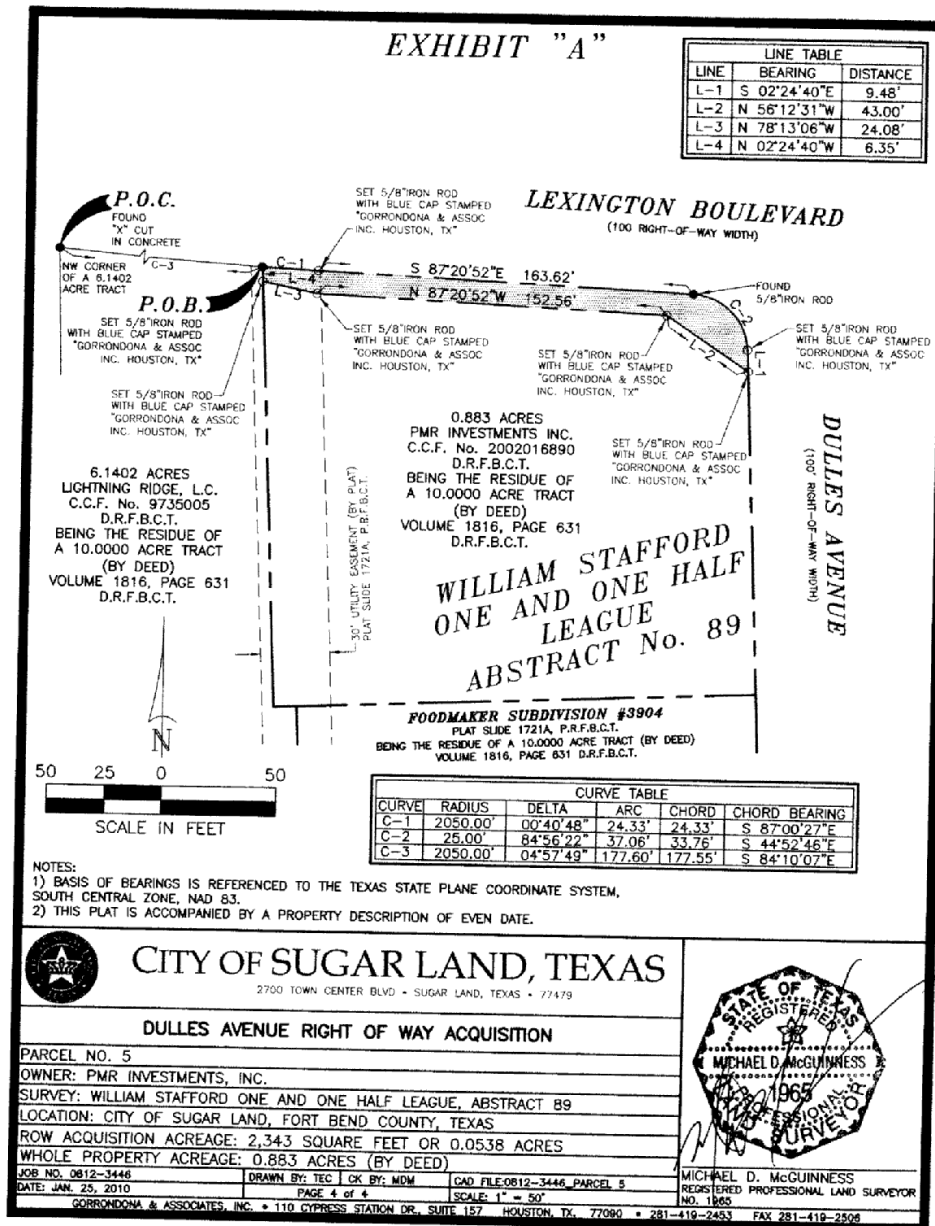


GRANTOR: PMR Investments, Inc., a Texas corporation d/b/a First Colony Chevron

GRANTOR'S MAILING ADDRESS: 1307 Meadowlark Ln.
Sugar Land, Texas 77478

VALUE OF ACQUISITION PARCEL: \$39,734

- Land: 2343 sf x \$10.00 /sf: \$23,430.00
- Stamped Concrete: 360 sf x \$8.00 /sf less 20% depreciation: \$ 2,304.00
- Light Standards: 2 Units x \$1,500 /ea. less 20% depreciation: \$ 2,400.00
- Sign: 1 Unit x \$5,000 /ea less 25% depreciation: \$ 3,750.00
- Landscaping: \$ 6,000.00
- Cost to Cure :
 - (2) Light Standards \$ 600.00
 - (1) Sign \$ 1,250.00



GRANTOR: Lightning Ridge, L. C., a Texas limited liability company

GRANTOR'S MAILING ADDRESS: 2700 Wesleyan, Suite 530
Houston, Texas 77027

VALUE OF ACQUISITION PARCEL: \$1,837.00

- Land: 191 sf x \$7.00 /sf: \$1,337.00
- Landscaping: \$ 500.00

